

PRIVILEGES OF THE HOUSE—CIRCUMVENTING THE WILL OF THE HOUSE BY HOLDING VOTES OPEN BEYOND A REASONABLE PERIOD

Ms. PELOSI. Mr. Speaker, I rise to a question of privilege of the House and submit a resolution which is at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

PRIVILEGED RESOLUTION

Whereas on November 22nd, the Republican Leadership held open the vote on rollcall No. 669 on H.R. 1, the Prescription Drug Conference Report, for nearly three hours, the longest period of time in the history of electronic voting in the U.S. House of Representatives;

Whereas the normal period of time for a recorded vote is 15 minutes, and the Speaker of the House reiterated that policy on January 7, 2003 saying "The Chair wishes to enunciate a clear policy with respect to the conduct of electronic votes . . . The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes", and in addition the Speaker pro tempore on November 22nd announced prior to the vote on Prescription Drugs that it would be a 15-minute vote;

Whereas the amount of time for the vote on H.R. 1 went far beyond anytime considered reasonable under established House practices and customs, and was a deliberate attempt to undermine the will of the House;

Whereas the opponents of H.R. 1, both Republicans and Democrats, were on the prevailing side for more than two and one-half hours and proponents never once held the lead during this period of time, and the sole purpose of holding this vote open was to reverse the position that a majority of the House of Representatives had already taken;

Whereas, according to press reports, a Member of Congress who is retiring was told on the House floor during this extended vote that "business interests would give his son (who seeks to replace him) \$100,000 in return for his father's vote. When he still declined, fellow Republican House members told him they would make sure Brad Smith never came to Congress", and such an act is in violation of Section 201 of Title 18 of the United States Code, which prohibits bribery of public officials;

Whereas these actions impugn the dignity and integrity of House proceedings, bring dishonor on Members of Congress, and were a gross violation of the rights of Members who opposed this legislation: Therefore, be it

Resolved, That the House denounces this action in the strongest terms possible, rejects the practice of holding votes open beyond a reasonable period of time for the sole purpose of circumventing the will of the House, and directs the Speaker to take such steps as necessary to prevent any further abuse.

The SPEAKER pro tempore. The resolution constitutes a question of the privileges of the House under rule IX.

The minority leader, the gentlewoman from California (Ms. PELOSI), will be recognized for 30 minutes. It is the Chair's understanding that the gentlewoman from Connecticut (Mrs. JOHNSON) will be the designee of the majority leader and will also be recognized for 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for more than 200 years, and 200 years ago, the Founding Fathers designed this House of Representatives to serve as the people's House. In the Federalist Papers, James Madison wrote that it is essential to liberty that this House have an intimate sympathy with the people. In the century since, this body has earned its status as the greatest legislative body in the world. Yet perhaps never before have the actions of this body fallen so far short of both the ideals envisioned by the Founders and the sympathies of the people as during last month's vote on the Medicare prescription drug conference report, a vote that will surely be remembered as one of the lowest moments in the history of this august institution.

The American people expected a fair and open airing of issues affecting 40 million older Americans on Medicare, our mothers, our fathers, grandmothers, and grandfathers. Yet Republicans locked House Democrats out of the conference negotiations and, in doing so, locked out the 130 million Americans we represent.

This is a diverse country, but the Democratic Caucus is the only diverse caucus. By shutting out the Democrats, they deny the conference negotiators of the benefit of the thinking of the representatives of the African American community, Hispanic community, the Asian Pacific American community, the whole philosophical diversity within our caucus from the Blue Dogs to the New Dogs to our Progressive Democrats.

□ 1530

The American people expected genuine debate. Yet, Republicans limited floor discussion on the one of the most dramatic changes to Medicare in its history to a mere 2 hours, 2 hours. And this behavior is not limited and confined to the vote on Medicare.

For some reason, and I think it should be obvious what it is, the Republicans insist on having votes that are of great import to the American people, but where they are clearly on the wrong side of the issue, have these votes taken in the middle of the night.

On a Friday in March at 2:54 a.m., the House cut veterans benefits by three votes. At 2:39 a.m. on a Friday in April, House Republicans slashed education and health care by five votes. At 1:56 a.m. on a Friday in May, the House passed the "leave no millionaire behind" tax cut bill by a handful of votes. And at 3:30 a.m. on a Friday in June, the House GOP passed the Medicare privatization and prescription drug bill by one vote. At 12:57 a.m. on a Friday in July, the House passed a Head Start bill by one single vote. And that Head Start bill was to undermine and unravel a very successful Head Start initiative. And then after returning from a summer recess, at 12:12 a.m. on a Friday in October, the House voted \$87 bil-

lion for Iraq, an issue the Democrats and Republicans were on both sides of the issue. So were the American people. They deserve to hear the debate in the light of day.

I thank the gentleman from Ohio (Mr. BROWN) for this information.

It degrades our democracy when Democrats have no role in the legislation. This legislation affects millions of Americans. No role in the conference negotiations. No chance to offer amendments. No alternatives and limited debates or discussion. It degrades our democracy when secret negotiations, such as those on the energy legislation, rip up provisions supported by both Houses and insert new provisions approved by neither House.

Mr. Speaker, this is not the House our Founders envisioned. Such behavior is unfair. It is un-American, and it is unacceptable. It is not for this that our Founding Fathers sacrificed their lives, their liberty and their sacred honor, so that we could have government of the few, by the few, for the few, behind closed doors.

Why are the Republicans so afraid to subject their agenda to the normal rules of debate? Republicans are afraid of fair and open debate because they know that the American people reject their radical agenda. As President Kennedy said, "A nation that is afraid to let its people judge the truth and falsehood in an open market, is a nation that is afraid of its people."

So afraid of the people were they that, again, this went into the dark of night when we even took the first vote at 3 o'clock in the morning.

A member of the majority in the other body, that would be a Republican in the other party, warned recently, "If you have to twist people's arms over and over to vote for you on issue after issue, then you would be wise to reevaluate your positions."

Of course, Republicans have no intention of reevaluating their reckless positions. As one newspaper editorial observed recently, "It appears the Republicans want to govern the Nation by themselves."

A government of the few, by the few, for the few.

The ancient Greeks had a word for such audacity, hubris. Hubris, the wanton arrogance that leads to the violation of accepted rules of conduct.

In the tragedies of antiquity, mortals who defy the Gods in this manner were punished for their hubris. Indeed, if there were ever an argument for why Republicans must get their punishment at the polls and be defeated at the polls next year, we need only look to their unprecedented abuse of power and their neglect of the will of the people.

Mr. Speaker, Democrats will not stand by while our democracy is denigrated. We will not be silenced. We will not be rolled over. As we preach democracy to the rest of the world and we talk about in glowing terms about our own democracy, we must also speak about the power of example, the example we set in the conduct of our legislative business for the rest of the world.

The Republicans are not setting a good example of democracy for the rest of the world. Republicans must know we will fight this abuse in the committees. We will fight this abuse on the floor. We will fight it every day and every way we can. We will carry this fight all the way to election day. On that day, the American people will reject the Republican's special interest and their shameless abuse of power.

With all regard that I have for the distinguished colleagues on the other side of the aisle who appear to be at the microphones, and I know that the time will be led by the gentlewoman from Connecticut (Mrs. JOHNSON), why is not a member of this House leadership on the Republican side on the floor to respond to this privileged resolution about how the leadership has conducted its business?

We all have a great deal of respect for the Speaker of the House. The majority leader is a forceful personality. The two of those orchestrated what happened that night. We would like them to at least extend the courtesy to Members to be present on the floor as the leader of this party on this floor to respond to the people's need to know as to why, why the will of the majority is not respected here.

We will return the people's House to the American people, and we will once again make this the revered institution worthy of its status as the greatest legislative body in the world.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from Connecticut (Mrs. JOHNSON) is the designee of the majority leader.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I regret that the gentlewoman does not consider me a forceful personality or a leader. But I am here to say that, as chairman of one of the major subcommittees that wrote this bill, I consider myself both a leader on Medicare modernization and reform and a forceful personality, because I am dedicated to this issue. I have worked hard on it. And I believe that I am better to be here than any of my leadership.

This was a joint effort. It was late at night. No question. It was a long vote. And it did inconvenience Members. No question. But the stakes were very high. The need of America's seniors for prescription drugs and a modernized Medicare that could deliver state of the art disease management to help those with chronic illness prevent their diseases from progressing. Yes, their need was urgent and intense. The opportunity was enormous. We could not abandon our responsibility to pass real Medicare prescription drug reform and modernization of Medicare's ability to keep pace with quality health care initiatives. And so, yes, we allowed ourselves to be masters of time.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr.

DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time.

I would like to pay respects to my California colleague, the very distinguished minority leader, and I certainly respect her right to come forward with this privileged resolution. I would also like to thank my friend, the gentlewoman from Connecticut (Mrs. JOHNSON), for the stellar leadership she has provided, ensuring that we would not only bring about reform of Medicare, but make sure that we are able to provide access for our seniors to affordable prescription drugs.

Mr. Speaker, I think it is very important to note a couple of items. First, on the 2nd of April, 1789, the day after the first Congress was put into place, James Madison who was, in fact, a member of that first Committee on Rules, and I believe that as he talked about what my friend, the gentlewoman from California (Ms. PELOSI) referred to, that intimate sympathy with the people, he did appropriately refer to the fact that this is the greatest deliberative body known to man. And we do have an extraordinary responsibility here to implement the will of the people through this structure we have of a representative democracy.

Now, what I would like to say is that as we look back on that debate, that both of my friends, the gentlewoman from California (Ms. PELOSI) and the gentlewoman from Connecticut (Mrs. JOHNSON) have just addressed, I think it is important to note that our friend, the gentlewoman from California (Ms. PELOSI) came before the Committee on Rules and made a request that we extend the time that is provided under the rules of the House for the debate of a conference report.

Every single Member of this House is well aware of the fact that when a conference report is voted upon, there is a 1-hour provision for debate on that conference report. Now, request was made to extend that. And my friend, the gentlewoman from California (Ms. PELOSI), as she knows, made a rare appearance before the Committee on Rules and requested that we increase the amount of time for debate on that conference report. And in response to her request, the Committee on Rules chose to double the amount of time allowed for the conference report. That amount of time was granted.

I think it is also important to note that the 15-minute provision according to clause 2(a) of rule XX, Mr. Speaker, specifically says the minimum time for a record vote or a quorum call by electronic device shall be 15 minutes. And so I think that there is no one who is claiming that there was a violation of the rules of the House because this was, in fact, in compliance with the rules of the House. And I think that there needs to be recognition that during that 2 hour and 50 minute period a number of votes were changed. And I think it is important for the record to

note for the record, Mr. Speaker, that the last three votes that were cast on that bill were, in fact, cast by members of the minority.

I would like to thank my friend for yielding me this time. What I have simply chosen to do here, Mr. Speaker, is make the record clear as to exactly what the rules of the House consist of on this matter.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since the distinguished chairman of the Committee on Rules is in the well, I just wish to mention one thing, because in my comments I read a litany of concerns about very important votes were won by a handful or fewer votes in the dark of night. One of these I did not mention was the rule on the FAA bill that came to the floor, and I would like to ask the gentleman if he is proud of the way the Committee on Rules conducted itself on the FAA bill where it burned the book on rule making in this House.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I would respond to my friend by saying that I made it very clear in the record, when our friends were before the Committee on Rules, that I believe that it was wrong for us to proceed with consideration of the FAA conference report in the manner in which we did proceed with. And I said there, and the gentleman from Minnesota (Mr. OBERSTAR) has recognized here on the floor that I said, we will do everything possible to ensure that that does not happen again. And the majority leader, in the colloquy that he had with the gentleman from Maryland (Mr. HOYER) later that week, made it clear that he also wanted to ensure that it would not happen again.

I appreciate my friend for bringing that issue to the forefront.

Ms. PELOSI. Indeed, that rule was an abomination, and I am pleased that the gentleman recognizes that it was wrong.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member on the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I am really surprised that the eloquent chairman of the Committee on Rules with all of the power of words and influence he has, that after a seething attack on the majority, that he would come into the well and say, but it is all in the rules.

What our leader is talking about is more important than the Medicare bill. She is talking about the civility in this House of Representatives. Every one of us here today are not here just because we are so bright and so intelligent. We are here because some group of Americans have thought that we would represent their interests. They were not

talking about blacks and whites or Jews or gentiles or Asian Americans or Hispanics. They were talking about Representatives in the House of Representatives. And they invested in us the right to make judgments as to what would be in their best interest.

How in the world can you come to this floor and take this privilege which has been given to us to protect, not for ourselves but for the next group that will inherit the seats that we are privileged to serve in, and to say when the Speaker of this great House of Representatives, here where we truly represent the people, it is not based on every district being entitled to something because it is a State, it means that they come together. They fight. They argue. And they elect.

□ 1545

And then the Speaker decides who would be appointed to serve on the conference committee so that our voices would be heard with that of the other body. And when you have the votes, you have the votes; and that is the way it goes. If you do not like it, wait until November and then change it. But the audacity of the majority to say that when the Speaker appoints you to the conference it makes no difference what rank you are, it makes no difference if you are the dean of the House, it makes no difference if you are the senior member of the committee of jurisdiction, it makes no difference if the minority leader appoints you to represent, who, us? No, to represent the millions of people that we have been sent here to represent.

And to have the conference committee, to call it a bipartisan conference when they from time to time will let a staff person come in, is not only arrogance but it offends the very office of the Constitution to be able to say it. Now, I have the utmost respect for the gentlewoman from Connecticut (Mrs. JOHNSON) because she has said it right; she thought this precious bill was so important that the rules did not matter. It had to go through the middle of the night, whether there was a conference or not. We had to get this thing through.

Sure, my colleagues had to get it through because there was a goal beyond prescription drugs. And if that is what you want to do with Social Security, if that is what you want to do with health care, I can understand that; and that is why I am not a Republican. But for God's sake, do not disrupt the system. Do not tear away what was left to us. When you got the votes, by golly, use those votes and do what you want to do to your own Members; that does not offend me. But it does offend me if newer Members of Congress believe that is the way this House is supposed to operate.

Sometimes when I go on the other side and I sit with a friend that came here many, many years ago when I did, young Democratic Members say, what are you talking to them for? And I sus-

pect that some of the Republicans that have been here a little while, when they come over here, some of the younger Republican Members would say, why are you talking to a Democrat? And what we would say is, we are talking about our kids or we are talking about our grandkids. We will fight in the committee and we will fight on the floor, but we respect each other.

It is a lack of respect not to me, you can look at me and know how many doors have been closed to me; it does not even bother me. Because in this great country, in this Republic, I can fight and I can win. But when you stack the rules against those who follow me and those who respect this institution; when you start saying it makes no difference who the Speaker assigns to a conference, because we decided that it is too important for us to let Democrats in, well, take a look and see who the Democrats are. Take a look at the diversity on this side. We did not make it this way. Democrats did.

Do you think there is a Republican way for solid health care? Do you think there is a Republican way for Social Security? A Republican way for a better America? Of course not. It is for us together to be working together to try to do it. Would Democrats have contaminated the precious bill, I ask the gentlewoman from Connecticut (Mrs. JOHNSON)? Would we have diverted so much attention for what you were doing, this brilliant piece of work that you did in the darkness of night, brought here early in the morning to have us out here waiting until you could scrub up enough votes?

It was wrong for this Congress, and it would be wrong for any Congress.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume, and I would respond to the gentleman from New York that I do think it is extremely important when half the women, retired women, in America have the opportunity for the peace of mind of knowing that they will pay no more than \$1 or \$2 for a generic and \$3 to \$5 for a brand-name prescription and that is all, no matter how many or how high their drug bills go. Yes, I think it is very important not to let the clock outweigh the interest of half of America's retired senior women.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Speaker, I thank the gentlewoman from Connecticut for yielding me this time; and, Mr. Speaker, let me first say that this has been a multiyear process. When we began our work in the Committee on Energy and Commerce, we entitled it Patients First, because essentially we wanted to make sure everything we did in the health care agenda thought about patients and did what we could to make patients' lives better in this country.

I recall when we got to the point where we began drafting and working

on the Medicare prescription drug bill, when we talked across the aisle, as we often do in the Committee on Energy and Commerce, about whether we could build a consensus bill at the committee level or not, it was pretty clear that we could not; that there was a great difference of opinion as to how to shape Medicare reform and prescription drug legislation. And because there was this huge great difference of opinion, the ranking Democrat, my friend, the gentleman from Michigan (Mr. DINGELL), and I agreed we would have a great debate, and we did. We had many, many hours of debate. We had a 23-hour markup; 23 hours of markup and amendments that went on for a huge amount of time. And that literally, finally produced the Medicare bill that came to the floor along with the Committee on Ways and Means effort that became part of the conference report that we voted on.

This was not a one-night effort. This was not a 3½ hour effort in the middle of the evening. This was a multiyear, very greatly debated issue from top to bottom where we were deeply separated on approach. And I think my mother summed it up best when I talked to her about it after we passed the bill. The approach that we took, that we understand some of the other side did not agree with, and that is a legitimate difference of opinion, the approach we took was that we ought to empower seniors to make choices for themselves about how they got prescription drug coverage; to make choices for themselves about how the health care that they would need in their senior years would be delivered to them and how they would take this new benefit.

There were those on the other side who thought there ought to be one choice only, the Medicare choice. There were those on this side, on our side of the aisle, who believed that Medicare choice ought to be available, and we made sure that it is available, but other choices ought to come.

Now, that is what happened. We can argue about process and procedure all we want. The bottom line is we were separated by a great division, it was settled, and the American public are better for it.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume to note that it is interesting to hear Republican colleagues talk about how urgent this bill was to pass. Then why does it not become effective until 2006? Mr. Speaker, was it so urgent that the rumor had to be around there that they were offering \$100,000 to Members to vote with them on the bill? Was it ever that urgent?

Mr. Speaker, I am very pleased to yield 7 minutes to the gentleman from Maryland (Mr. HOYER), our very distinguished whip, a champion for America's seniors, who fought, fought, fought for them on the floor of this House to defeat this Medicare bill. And defeat it he did, for 3 hours, until outside influences weighed in to reverse that outcome.

Mr. HOYER. Mr. Speaker, I thank the minority leader for yielding me this time.

Mr. Speaker, there are many of my colleagues who are new to this House and who do not know its history and do not know perhaps the words of your side of the aisle. So I want to give you a little history. I want to take you back to October 28, 1987. The House was considering a controversial Democratic budget reconciliation bill, which I tell the gentlewoman from Connecticut that we thought was very important. The vote stood at 206 to 205. Twenty-four Members had not voted.

The Speaker of the House, in attempting to pass what he believed to be a very important bill, kept the clock going for less than 30 minutes, a little more than 25; and a vote changed, and we prevailed. Your side was outraged. Let me remind you of some of the quotes.

I am the minority leader. Excuse me, I am the minority whip. I understand that. The minority whip at that time is now the Vice President of the United States, DICK CHENEY. He was angry. The vote was 206 to 205. This bill, for over 2 hours, had an absolute majority of the House of Representatives supporting it, with 218 Members opposing the bill, the proposition that we fought for.

Thirty minutes. And here is what Mr. CHENEY said about keeping the ballot open: "The Democrats' tactics are the most grievous insult inflicted on the Republicans in my time in the House." October 1987. He was quoted as saying something else. "It was," he said, "the most arrogant, heavy-handed abuse of power I have ever seen in the 10 years I have been here."

Less than 30 minutes, 206 to 205. The Vice President of the United States. The most arrogant abuse of power he had seen. And then the Republican minority whip referred to the Speaker as follows, and listen, my colleagues, particularly those who are new. Referring to the Speaker of the House, he said, "He's a heavy-handed," and he used an epithet that we know as SOB, except he fully articulated it, "and he doesn't know any other way to operate. And he will do anything he can to win at any price. There is no sense of comity left," said DICK CHENEY.

I tell the gentlewoman from Connecticut, this was an important bill, but so was the bill that Speaker Wright was following and trying to pass. DICK CHENEY, with less than 30 minutes, "There is no comity left. The most heavy-handed arrogant abuse of power."

That is what this is about, treating one another with respect and treating the American public with respect. My colleagues had an opportunity to offer their bill. It was offered, we voted on it; and 218 people voted no, and they stuck no for over 2 hours. But my colleagues refused to accept the judgment of democracy. You refused to accept the judgment of this House.

Bob Walker said, "We found out the majority is perfectly willing to change its rules to crush the minority." I know this is not a rule, I say to the gentleman from California (Mr. DREIER); but I also know that at the beginning of this session, the Speaker, whom I respect and would never demean by addressing him in the terms that DICK CHENEY addressed our Speaker, this House's Speaker, said this at the beginning of this session: "The Speaker's policy announced on January 4, 1995, will continue through the 108th Congress." That was Newt Gingrich.

On that occasion, referring to October 30, 1991, the House was considering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendment process. We did it in 15 minutes. The Speaker concluded at the beginning of this session, "Each occupant of the Chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity." In this instance it was almost 3 hours. Not 15 minutes, not 17 minutes, not 27 minutes, but 3 hours.

"I just want to serve notice," this gentleman said, "if the majority, which clearly has the rights under sheer voting power, insists on stripping the right away from the minority, then we have an absolute obligation to take the necessary steps to communicate our dissatisfaction with that kind of legislative process and do everything possible to stop it." Newt Gingrich, August 5, 1991.

□ 1600

Those of you who are new to this House who believe in democracy, who believe that this is the people's House, ought to accord to every one of us, Democrats and Republicans, the respect due a person chosen to represent 650,000-plus Americans in this House, to put up our votes on that board, to have the majority prevail, but to have them prevail in a time frame that does not, as Mr. CHENEY referred to it, reflect "the most arrogant, most heavy-handed abuse of power I have ever seen in my 10 years."

My Republican friends, let me ask something: If keeping the ballot open for 25 minutes is the most arrogant abuse of power that Mr. CHENEY had ever seen, what is keeping it open 3 hours? Ask yourself that question, and then understand why this resolution is on this floor.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentlewoman for yielding me this time.

About 5 hours ago, I had what I consider to be one of the greatest moments of my 11-year congressional career as I got to watch the President of the United States sign into law a Medicare reform bill that will finally provide a

prescription drug benefit to our seniors and our disabled.

For 38 years, every Congress, Republican, Democrat, every administration, Republican, Democrat, had failed to accomplish this. It was not because most Members of Congress did not want to do it. I dare say every single Democrat sitting in this House and serving in this House wanted to make sure that we got a prescription drug benefit delivered to our elderly and our disabled, and most Republicans wanted to do it for many years. And why did Congress fail year after year? Not because of lack of desire to get the job done, but because the job is extraordinarily difficult.

It is extraordinarily difficult to craft a bill that is conservative enough to get most Republicans and liberal enough to attract some Democrats. It is very, very hard to do. We had to thread a needle, we had to say to the liberal-most Members of Congress, we cannot make you happy, we cannot spend that much money. And we had to say to the most conservative Members of our party, we cannot make you happy. We had to say we are going to do this entitlement, we are going to expand this entitlement, and it is not going to make you happy. We had to thread the needle, and the eye of the needle in this case was so narrow and the size of what we were trying to accomplish so large that yes, it took us an extraordinary amount of time to get this vote done.

The Speaker did not violate a rule of the House. The Speaker is entitled to take as much time as he wishes for a vote. And in this case, in this case, the stakes were high, the cause was great. The gentlewoman from California (Ms. PELOSI) said she will take this message to the election. This is an election-year issue. I say to the gentlewoman, take that message; we will take the message that we provided seniors a benefit.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if it is an election-year issue and the other side of the aisle is so proud of their work, why do they not make it effective now, just as they make their reckless tax cuts effective immediately and retroactively?

Mr. Speaker, the customs and traditions of this House have been violated, and there is no person in the leadership of this House to come here to defend the actions taken in this Chamber on November 22. I will say more about that in a moment.

Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. CLYBURN), the vice chairman of the House Democratic Caucus.

Mr. CLYBURN. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank her for her leadership on this and other issues in this great body.

Mr. Speaker, I was elected 11 years ago. Today I represent a congressional district of 668,000 people. It is an interesting congressional district, about

half and half urban and rural. There are people who run the gamut. I represent the poor precincts and census tracts in the congressional district, and I also represent some of the wealthiest.

Last week when I went back home after our Medicare prescription drug vote, and I was asked questions by my constituents, they were asking me things like is it true that in this prescription drug bill the Secretary of HHS is prevented from negotiating on my behalf for lower drug costs? And, of course, I answered them, That is my understanding of the bill. And they have been asking, Is it true that I cannot use my Medigap insurance to cover any shortfalls that may come as a result of prescription drug costs? And, of course, I answered them, It is my understanding that that is true.

And then they want to know from me, Why is it that I did not hear from you about the possibility of these issues before you cast a vote? You are there to represent my interests, and I would like to hear from you about these kinds of things before they come to a vote.

Then I was obliged to tell them that the bill was completed around 1:30 a.m. in the morning, and I was given less than a day to take a look at it, and we finally voted on this after they had gone to bed the next night around 3 a.m. in the morning. Then they want to know the ultimate: If this bill is not to be effective until 2006, what was the rush? What was the rush? There is no good answer for many of us to that question.

I just want to say to my friends on the other side of the aisle, I am the eldest son of a fundamentalist minister who taught me that it is important to maintain balance in one's life, as well as one's efforts. He taught me to be conservative. He said to me very often, if you make a dollar, you ought to be able to save a nickel. He taught me when you leave a room, you turn out the light, you conserve energy. But he also taught me from those Sunday mornings when he stood before his congregation and asked for an offering, he asked them to give liberally. And so I learned that we must balance our liberalism with conservatism, and our conservatism with liberalism, and with proper balance and proper discussions, with proper input from all sides, we will yield much better legislation and much better results. We did not have that opportunity with this bill to have input from all sides to try to get a better and more balanced result.

Mr. Speaker, I believe that the failure on the part of this body to do that sets us up, as the gentlewoman has said, for a very interesting election year, and I am hopeful that this legislation will become the centerpiece of our discussions next year because then we will have a better result.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is because we felt the urgency of the need the preceding Member alluded to so eloquently, that not only did we have to pass this bill, but we had included in this bill a discount card that will mean that one-half of all low-income seniors all across America will get 100 percent of their drugs paid for in 6 months. There is urgency for this bill because the need for the subsidies are so great, and because of the average spending, we know that within 6 months, one-half of low-income seniors will be 100 percent protected.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW), a member of the Committee on Ways and Means and chairman of the Subcommittee on Social Security.

Mr. SHAW. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I would point out to the minority leader, who has pounded on that 2006 date several times, every one of the Democrat bills that was out there had that same date. Why does it have that date? It has that date because it takes that long to gear up in order to get a bill moving, whether the Democratic bill or the Republican bill.

What is the urgency? I think the gentlewoman from Connecticut pointed this out, and that is within 6 months, low-income people are going to be getting a card that will help them.

This morning when the President signed this bill, he said this bill is going to help those who need help the most. That is exactly what it does. That is exactly what it does. That is the way it ought to be.

When one goes into a court of law, a court of equity, there is an expression, to seek equity, you must do equity. In other words, you have to go into court with clean hands. We have heard during this debate such terms as representing their constituents, neglecting the will of the people, and abuse of office. They have to come here with clean hands if they are to complain.

Did not the minority leader threaten their Members? Why was it one of the Members on the other side of the aisle who was holding out for 3 hours was completely surrounded every single moment by Members of the Democratic Party because he had not yet voted? Why is it that after the time was finally called, four Democrat Members came down to the well of the House and changed their vote?

If you want equity, you have to come with clean hands, and that was not done. We should have passed this bill last year, but the other body refused to take it up because it was under Democratic leadership.

What is the urgency of this bill? If one is a senior, poor, or if you have huge drug expenses and you cannot afford to buy your drugs, by God to that person it is urgent. It is urgent. I would have stayed here 2 or 3 more days if the clock was to be left open, because that is exactly how I felt. I felt this was so important to those people who desperately need this coverage.

I would guess we would have won way over the top within 15 minutes if the minority leader had simply told her Members, you are free on this vote, come here and represent the people, vote for the people, and the gentlewoman's very words, vote for those you represent. That is what we want. That is what we should have gotten; and if we had, we would have been out of here at 3:15, and that is the way it should have been.

I praise the Speaker and those of our leadership who kept the clock open. I understand why those who tried to suppress the vote on their own side and failed are upset. And it did take 3 hours to enlighten some of the Members; but it is important that Democrats came back and changed their vote also.

Ms. PELOSI. Mr. Speaker, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I have been in this House a little over 5 years, and we have managed three times in the House of Representatives to pass a prescription drug bill.

Finally, this year the Senate passed a bill, too, which gave us a historic opportunity to provide a desperately-needed benefit for the people that I represent, and the people that we all represent.

□ 1615

The truth is that Medicare is stuck in a 1960s model of health care, a system that will pay claims instead of improve the quality of people's health. We have a health care system that had to be changed because it will pay \$28,000 to amputate the feet of a diabetic and will not pay \$29.95 a month for the Glucophage so that they can keep their feet. This system needed reform desperately because the people who rely on it need that medicine. That meant that we had to work hard to find the common ground that could make it through the House and the Senate.

But it was about time. It was about time for a voluntary prescription drug benefit added to Medicare, supported by dozens of interest groups in this country, to provide some equity and some help, particularly to low-income folks who cannot afford their medicine and those who are very sick. That is what we did. This House as a whole and this institution will look back on this day when the President of the United States signed that bill as a tremendous change for health care for seniors in this country, and I thank God for it.

Ms. PELOSI. Mr. Speaker, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I want to remind my colleagues from the other side of the

aisle that just as in childbirth, our labors in the Congress often start in the morning sunshine and after long hours of painful work in the full light of day then result in a delivery of a beautiful baby in the dark of night. Had this debate commenced in the dark of night, then the delivery would no doubt have been in the light of day.

In any regard, Mr. Speaker, in passage of the Medicare Modernization and Prescription Drug Act of 2003, this President and the leadership of this House have delivered on a promise made to our beloved seniors. Indeed, Mr. Speaker, we, the Republican majority, are the promise keepers on this issue. I am proud to have voted as a physician Member of this body in the affirmative.

The gentleman from South Carolina talked about hearing from his constituents. Mr. Speaker, I have heard from my constituents as well, things like is it true that in this bill the neediest of our seniors, those who are living at or near the poverty level, are helped the most? Is it true that the new Medicare beneficiaries will begin to receive for the first time ever a complete physical examination? Is it true that in order to help save Medicare for our children and grandchildren, the wealthiest seniors will have to pay for the first time more of their part B premium? And finally, Mr. Speaker, is it true that it has taken 38 years to finally provide seniors with prescription drug coverage?

I answer to those seniors a resounding guilty as charged. I am proud of this bill. I thank the gentlewoman for giving me the opportunity to speak.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 1 minute to the very distinguished gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, unfortunately, the majority party is running the Congress the way the Russians run basketball. You remember in 1972 in the Olympic championship in Munich where Americans won the game. We were ahead when the game was over and the clock had run down to zero. But then the Russians prevailed on saying, let's just put a little more time back on the clock. Just like the Republicans when this clock ran down to zero said, let's just put another 3 hours back down on the clock. When they asked the Russian coach how he could justify that outrage, he said, because it was an important game and we wanted to win. That is the explanation we get from the majority party when you corrupted the basic values of this House.

We have been searching for ways to describe this and you can say disappointing, you can say belittling; but the honest thing is it is a corruption of the traditions of this House, and it stinks to high heaven like a mackerel in the moonlight. Your Members need to come to the floor and explain this situation that not only were we vio-

lating the rules and the traditions regarding time, but that potentially there was bribery on the floor of this House. We need to get to the bottom of this and end this tyranny and corruption.

Ms. PELOSI. Mr. Speaker, the Republicans also run this Congress like the Republicans run Florida. They cannot accept the result of a vote.

With that, I am pleased to yield 1 minute to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, the 3-hour wheel of fortune that we witnessed the other day is reflective of the 3-week wheel of fortune, where the public interest and the public trust had been turned into a piggy bank for the special interests. There are 635 pharmaceutical industry lobbyists, a lobbyist and a half for every Member of Congress. If you walked down the hall, they were usually your shadow in this place. The reason we are talking about the process today is because the process was reflective of the policy and what happened and produced in this legislation, that is, the pharmaceutical industry when it came to dealing with the issue of price and affordability of prescription drugs, the will of the pharmaceutical industry was reflected but not the will of either our taxpayers or our senior citizens who are being forced into a system that requires that they pay 40 percent more than anybody in Canada and Europe.

What we can do for our veterans, we can do for our seniors and get them to use bulk negotiations, which is a free market. Everybody on this side always says, I wish the government would act more like a business. We try to get it to act like a business, and what do you do? You turn your back on it. We can use either way to affect the price here.

This is a debate that has now taken the public interest and the public trust and has turned it into a piggy bank for the special interests.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. I thank the gentlewoman for yielding me this time.

Mr. Speaker, today was a historic day. The gentleman from Pennsylvania (Mr. GREENWOOD) mentioned earlier that President Bush signed into law the most sweeping improvements that our Medicare program has seen in almost 40 years. Soon, because of this legislation, millions of seniors will be able to afford the prescription medications which will dramatically change, improve, yes, and sometimes even save their lives. We should celebrate today that this bill has been signed into law and that finally after years of inaction and obstruction, the leadership of this Republican majority and the several thoughtful Democrats who joined us have kept our promise to our seniors.

But on this historic day, instead of high-minded debate and additional work to benefit our seniors and other

Americans, what do we hear from some Members of this body? We hear complaining. We hear complaining because of an inconvenience. It would be an understatement to say that an elderly person who relies on their prescription medications struggles as they try to work through chemotherapy treatment for cancer. Similarly, one could say that it is a big inconvenience for a low-income senior who has to make decisions each month as to whether they will buy their prescription medication or buy their groceries. Indeed, I think each one of us would agree that it is inconvenient, really inconvenient for the 70-year-old woman who works not because she chooses to but because she cannot afford to retire and she continues to work because she needs to pay for her diabetes medication.

Yet the complaint today is not that rules were broken because, of course, we followed the rules of this House. But now what we hear is that it was inconvenient for us to be here working through the night, to be voting until almost 6 a.m. and to stay up all night. And, of course, it is inconvenient for us to do so. It is inconvenient to work all night. It is really inconvenient, of course, to lose a vote on a major piece of legislation. But I think it was worth some of the inconvenience on our part. I think it was worth some of the inconvenience to help some of the neediest and indeed some of the most vulnerable in our society, older Americans who have worked hard and who have sacrificed and who have paid their taxes and paid their dues and made sacrifices to create opportunities for every single one of us. Is it not worth a little bit of inconvenience for us to keep our promises to them? Inconvenient for us, yes. But is it worth it to keep our promises to our seniors? I say yes.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentlewoman from Connecticut for yielding me this time. I, having been a minority leader in the Georgia legislature for a long time, understand that role. But I have to clarify the opening remarks that were made by the leader from my perspective about the time, about the hours of the night and about the comment; and I think I have got it about right, that in the dark of night we passed legislation that benefited a few, referring, I think, to the tax legislation in the past.

Mr. Speaker, at 12:12, 12:15, 2:45, 3 a.m., and 6:45 in the morning, any morning, fishermen leave the wharves of San Francisco, California, to go fish for a living and pay taxes. In the district of the gentleman from New York (Mr. RANGEL), in the garment district they work in those hours for the prime time of the evening to feed their families and pay taxes. In every one of our districts in those hours of the dark of night, Americans who finance this country and run it work doing an important job.

I will submit to you, if you ask them, reforming a Medicare system is important. I think if you asked them if dealing with prescription drugs for their parents and their seniors is important, they would tell you. I do not think any one of us on the campaign trail would ever belittle a fisherman at 6:45 on San Francisco's wharf or someone in the garment district of the gentleman from New York (Mr. RANGEL). We can have our partisan arguments over procedure, but let us not ever belittle hard work for a good purpose because it is the American people that do that on the night shift every night that finance this country and allow you and I to be here.

I am proud to have stood up to cut their taxes and provide benefits to their parents.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR).

(Mr. CANTOR asked and was given permission to revise and extend his remarks.)

Mr. CANTOR. I thank the gentleman for yielding me this time.

Mr. Speaker, this is a great day for America. The American people are celebrating today because the President has signed into law one of the most, if not the most, dramatic improvements to the Medicare program since its inception. Finally, Mr. Speaker, seniors across this country will have an option of a prescription drug benefit. Finally, Mr. Speaker, seniors will be given a choice in designing and selecting a benefit of health care delivery under Medicare. And finally, Mr. Speaker, American families across this country will be able to benefit from health savings accounts, providing them an environment and incentive to save for their own family's health care needs in a tax-free environment.

No, Mr. Speaker, this is not about a system that is broken or a process that has gone awry. This debate today on the floor is about a Republican success, of a vision of how to improve health care for our senior citizens across this great Nation. This bill is about doing what is best for our constituents, in particular, our seniors, Mr. Speaker. America's largest senior advocacy group, the AARP, has endorsed this bill because it sees this bill as a way to move us forward and to bring Medicare into the modern era and provide our seniors with a greater health benefit.

□ 1630

Mr. Speaker, it is Republican-led policies that move this Nation forward today, not Democrat politics that we are witnessing on the floor this evening.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for his eloquent remarks.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, when I came here in 1993, the Republican ma-

jority, then the Republican minority, spoke about a balanced budget amendment and that we had to balance the budget not on the backs of future generations. We no longer hear about a balanced budget amendment. They came and they said if they would become the majority that we would have term limits so that Members of Congress could be people legislators and not stay here all of their lives. They no longer talk about term limits.

But astonishingly that night, I could understand those changes. Philosophically and politically they changed their mind and said it was okay to run deficits, it was okay to bust the budget, that these were okay things to do; that it was okay to tell the people that they were only to come here for three terms, 6 years, and then return to their districts, and that was okay but they had a change of mind.

But what happened that night was different because I never recall a single instance in which a member of the Republican majority said that I was offered a \$100,000 bribe in order to break my promise to the people, to change my position on a public policy issue. And that is what the debate should be here about tonight, and until we get to the bottom of that matter, it is a shame and a blemish on this House.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

This is a great day for America. Today President Bush signed a prescription drug bill that will deliver on a promise that this Congress has talked about for 4 years and has passed three different bills to try to achieve it.

Last year after we passed our second bill, the Senate, controlled by the Democrats, would not even allow a vote, would not even allow a vote. That is why when we had the opportunity to pass a bill that would provide, deliver, prescription drugs as a part of Medicare on the basis of voluntary participation to all seniors all across America, we were determined to take it. Furthermore, it is the first bill that counted all seniors in America as Medicare and seniors first and poor second. That is why we are taking all seniors off Medicaid, bringing them on Medicare's drug benefit so they will get the same benefit all across the country because they are seniors first and poor only second. The Senate bill did not do that. Our bill did that.

And we passed this bill and pushed it through and held the vote open because we wanted to make sure that that half of women retired, living on very low incomes, would get what this bill promises them, \$1 or \$2 copayments on generics and \$3 or \$5 on prescriptions, that is all.

But we had to pass this bill for another reason. It does more to improve payments for rural health care providers and to link rural health care to sophisticated medical centers than any legislative initiative from this body

ever has done, and without it the physicians out now in the rural towns, who are my husband's age and who are about to retire, will not be replaceable. We will not be able to attract the next generation of physicians to rural health care without the really rather arbitrary policy changes in this bill that reflect our experience in rural health and its inability to attract providers. So we saved rural seniors from not having access to doctors, home health agencies, and hospitals. And, furthermore, we link through these regional health plans rural medicine more tightly into sophisticated medical centers. And, lastly, we passed disease management in this bill for the plans on a mandatory basis and for Medicare as an integral part of it in the years to come, and, thereby, for the first time, built preventative health care into the Medicare structure. It is currently, now, solely an illness treatment program.

With the new reforms the President signed today, and with great leadership from Secretary Tommy Thompson, who deserves tremendous credit, both for understanding the need for rural health to be linked into the modern delivery capability of technology, and who understood also the power that disease management is going to give us to help seniors with chronic illness prevent their chronic illnesses from progressing, and how urgent it is that when a plan like Medicare has one-third of its seniors with five chronic illnesses using 80 percent of program dollars that we do something about it, that we act. For 4 years we have talked and not acted. If acting required holding that vote open, and then we saw at the end, two Republicans changed to "yes" and two changed to "no." What happened was that my friends on the other side of the aisle who understood the importance of this bill both to the quality of care seniors could achieve and to the revitalization of rural medicine then were free to lay their votes on table, and it was those additional votes that made the difference, and I thank them because bipartisanship is hard in this environment, and I understand it. But we did it for America's seniors. We did it together. The President signed it today, and it is an enormous victory for senior health care and the greatest step forward in women's health that this body has ever passed. And I am proud to stand here and say this Congress passed the modernization of Medicare and the inclusion of prescription drugs for our seniors with the President's help, and I thank him.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

It is clear that the conduct of the Medicare prescription drug bill is indefensible, and that is why not one member of the elected leadership of the majority could show his face on this floor today to defend that behavior. It is clear.

If we had so much time that night that we could wait, why could we not

have time to debate? We had asked the Committee on Rules for more time for debate. Were the Republicans afraid that the American people would find out with further debate that they have a prohibition in the bill from this government negotiating for lower prices for prescription drugs for our seniors? Were they afraid that they would find out if they make \$13,470 a year that they pay \$4,000 of their first \$5,000 for prescription drug benefits, \$4,000 of their first \$5,000?

I brought this privileged resolution to the floor not because the Republicans had once again abused their power and once again had abused their customs and traditions of this House. I brought this privileged resolution to the House because there were newspaper publications of rumors of bribery, of \$100,000 on the floor of this House to a Member of Congress and a threat to that Member of Congress that his son would never come to Congress unless he voted with the Republicans.

The public deserves answers to that question. We will not let this rest. The Republican leadership can run, but they cannot hide from that rumor of bribery taking place on this floor of the House. The Member himself has asserted that, but we could not come to the floor until we had a written documentation of that assertion. That assertion is now documented.

Mr. Speaker, much has been said about the President's signing this historic legislation today. This is not historic legislation. This is an historic missed opportunity to do what is right for America's seniors. It is historic in this respect: 40 years ago when the Democratic Congress and the Democratic President made Medicare the law of the land, only 13 Republicans voted for the Medicare bill. They had been waging war. The Republicans had been waging war on Medicare for 40 years. They had their opportunity to have a full airing of the debate that night so the public could hear what they were up to with their Trojan horse of a piece of legislation. They did not have time to debate. They could not honor our request for more time to discuss this very historic and important legislation. They did have time for bribery on the floor of the House of Representatives.

So, Mr. Speaker, this is an issue about how we conduct the people's business, how we set an example for the rest of the world. It is an example of how people are not accountable for their behavior on this floor by having business conducted here in a way that brings shame and dishonor to this House and not even coming to this floor to listen to the debate or to defend that conduct. This is a very historic day indeed because this is a day when the American people are finding out that the Republicans will go to any length to be the handmaidens of the pharmaceutical industry. They will go to any length to be beholden to the HMOs and the insurance industry, that

the Republicans will go to any length to justify the wrong actions that they are taking. So convinced of the correctness of their position that they think that any action is justified. Let that not be the rule that applies to any of us on either side of the aisle.

So, Mr. Speaker, with that I urge my colleagues to support our privileged resolution.

Mr. Speaker, I yield back the balance of my time.

MOTION TO TABLE OFFERED BY MRS. JOHNSON
OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. LATOURETTE). The Clerk will report the motion.

The Clerk read as follows:

Mrs. JOHNSON of Connecticut moves that the resolution be laid on the table.

The SPEAKER pro tempore. The motion is not debatable.

The question is on the motion to table offered by the gentlewoman by Connecticut (Mrs. JOHNSON).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. PELOSI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 207, nays 182, not voting 45, as follows:

[Roll No. 677]

YEAS—207

| | | |
|---------------|-----------------|---------------|
| Aderholt | Diaz-Balart, L. | Johnson, Sam |
| Akin | Diaz-Balart, M. | Jones (NC) |
| Bachus | Doolittle | Keller |
| Ballenger | Dreier | Kelly |
| Barrett (SC) | Dunn | Kennedy (MN) |
| Bartlett (MD) | Ehlers | King (IA) |
| Barton (TX) | Emerson | King (NY) |
| Bass | English | Kingston |
| Beauprez | Feeney | Kirk |
| Bereuter | Ferguson | Kline |
| Biggert | Flake | Knollenberg |
| Bilirakis | Foley | Kolbe |
| Bishop (UT) | Forbes | LaHood |
| Blackburn | Fossella | Latham |
| Blunt | Franks (AZ) | LaTourette |
| Boehert | Frelinghuysen | Leach |
| Boehner | Garrett (NJ) | Lewis (CA) |
| Bonilla | Gibbons | Lewis (KY) |
| Bonner | Gilchrest | Linder |
| Bono | Gillmor | LoBiondo |
| Boozman | Gingrey | Lucas (OK) |
| Bradley (NH) | Goode | McCotter |
| Brady (TX) | Goodlatte | McCrery |
| Brown (SC) | Goss | McHugh |
| Brown-Waite, | Granger | McInnis |
| Ginny | Graves | McKeon |
| Burgess | Green (WI) | Mica |
| Burns | Greenwood | Miller (FL) |
| Buyer | Gutknecht | Miller (MI) |
| Camp | Harris | Moran (KS) |
| Cannon | Hart | Murphy |
| Cantor | Hastings (WA) | Musgrave |
| Capito | Hayes | Myrick |
| Carter | Hayworth | Nethercutt |
| Castle | Hefley | Neugebauer |
| Chabot | Hensarling | Ney |
| Chocola | Herger | Northup |
| Coble | Hobson | Norwood |
| Cole | Hoekstra | Nunes |
| Collins | Hostettler | Nussle |
| Cox | Houghton | Osborne |
| Crane | Hulshof | Ose |
| Crenshaw | Hunter | Otter |
| Culberson | Hyde | Paul |
| Davis, Jo Ann | Isakson | Pearce |
| Davis, Tom | Issa | Pence |
| Deal (GA) | Jenkins | Peterson (PA) |
| DeLay | Johnson (CT) | Petri |
| DeMint | Johnson (IL) | Pickering |

| | | |
|--------------|---------------|-------------|
| Pitts | Schrock | Terry |
| Platts | Sensenbrenner | Thomas |
| Pombo | Sessions | Tiahrt |
| Porter | Shadegg | Tiberi |
| Portman | Shaw | Toomey |
| Pryce (OH) | Shays | Turner (OH) |
| Putnam | Sherwood | Upton |
| Radanovich | Shimkus | Walden (OR) |
| Ramstad | Shuster | Walsh |
| Regula | Simmons | Wamp |
| Rehberg | Simpson | Weldon (FL) |
| Renzi | Smith (MI) | Weldon (PA) |
| Reynolds | Smith (NJ) | Weller |
| Rogers (AL) | Smith (TX) | Whitfield |
| Rogers (KY) | Souder | Wicker |
| Rogers (MI) | Stearns | Wilson (NM) |
| Ros-Lehtinen | Sullivan | Wilson (SC) |
| Royce | Sweeney | Wolf |
| Ryan (WI) | Tancred | Young (FL) |
| Ryun (KS) | Tauzin | |
| Saxton | Taylor (NC) | |

NAYS—182

| | | |
|----------------|----------------|------------------|
| Abercrombie | Hill | Obey |
| Alexander | Hinchey | Olver |
| Allen | Hinojosa | Ortiz |
| Baird | Hoeffel | Owens |
| Baldwin | Holden | Pallone |
| Ballance | Holt | Pastor |
| Becerra | Honda | Payne |
| Bell | Hooley (OR) | Pelosi |
| Berkley | Hoyer | Peterson (MN) |
| Berry | Inslee | Pomeroy |
| Bishop (GA) | Israel | Price (NC) |
| Bishop (NY) | Jackson (IL) | Rahall |
| Blumenauer | Jackson-Lee | Rangel |
| Boswell | (TX) | Reyes |
| Boyd | Jefferson | Rodriguez |
| Brady (PA) | John | Ross |
| Brown (OH) | Johnson, E. B. | Rothman |
| Brown, Corrine | Jones (OH) | Roybal-Allard |
| Capps | Kanjorski | Ruppersberger |
| Cardin | Kaptur | Rush |
| Cardoza | Kildee | Ryan (OH) |
| Carson (IN) | Kilpatrick | Sabo |
| Case | Kind | Sanchez, Linda |
| Clay | Klecza | T. |
| Clyburn | Kucinich | Sanchez, Loretta |
| Conyers | Lampson | Sanders |
| Cooper | Langevin | Sandlin |
| Costello | Larson (CT) | Schakowsky |
| Cramer | Lee | Scott (GA) |
| Crowley | Levin | Scott (VA) |
| Cummings | Lewis (GA) | Serrano |
| Davis (AL) | Lipinski | Sherman |
| Davis (CA) | Lofgren | Skelton |
| Davis (IL) | Lowe | Slaughter |
| Davis (TN) | Lucas (KY) | Smith (WA) |
| DeFazio | Majette | Snyder |
| DeGette | Maloney | Solis |
| Delahunt | Markey | Spratt |
| DeLauro | Marshall | Stenholm |
| Deutsch | Matheson | Strickland |
| Dicks | Matsui | Stupak |
| Dingell | McCarthy (MO) | Tanner |
| Doyle | McCarthy (NY) | Tauscher |
| Edwards | McCollum | Taylor (MS) |
| Emanuel | McDermott | Thompson (CA) |
| Engel | McGovern | Thompson (MS) |
| Eshoo | McIntyre | Tierney |
| Etheridge | McNulty | Towns |
| Evans | Meehan | Turner (TX) |
| Farr | Meek (FL) | Udall (CO) |
| Fattah | Meeks (NY) | Udall (NM) |
| Ford | Michaud | Van Hollen |
| Frank (MA) | Millender | Velazquez |
| Frost | McDonald | Viscosky |
| Gonzalez | Miller (NC) | Waters |
| Gordon | Mollohan | Watson |
| Green (TX) | Moore | Watt |
| Grijalva | Moran (VA) | Weiner |
| Gutierrez | Murtha | Woolsey |
| Hall | Napolitano | Wu |
| Harman | Neal (MA) | Wynn |
| Hastings (FL) | Oberstar | |

NOT VOTING—45

| | | |
|-------------|-------------|----------------|
| Ackerman | Cunningham | Janklow |
| Andrews | Davis (FL) | Kennedy (RI) |
| Baca | Doggett | Lantos |
| Baker | Dooley (CA) | Larsen (WA) |
| Berman | Duncan | Lynch |
| Boucher | Everett | Manzullo |
| Burr | Filner | Menendez |
| Burton (IN) | Fletcher | Miller, Gary |
| Calvert | Galleghy | Miller, George |
| Capuano | Gephardt | Nadler |
| Carson (OK) | Gerlach | Oxley |
| Cubin | Istook | Pascarell |

Quinn Stark Waxman
Rohrabacher Thornberry Wexler
Schiff Vitter Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE)(during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1704

Messrs. FRANK of Massachusetts, DAVIS of Illinois, and HALL changed their vote from "yea" to "nay."

Messrs. OSBORNE, RYUN of Kansas, GREENWOOD, AKIN, BEAUPREZ, and TANCEDO, and Ms. HART changed their vote from "nay" to "yea."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 677, due to urgent constituent support commitments in my congressional district, I missed the vote. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. PASCRELL. Mr. Speaker, the conference report for H.R. 2673 allows disastrous overtime regulations to go through, bows to pressure on FCC media ownership regulations, contains inadequate funding for the manufacturing extension partnership, and includes a flawed public school vouchers program. I have opposed all of these provisions in past votes. While I have strong concerns about these and other provisions contained in and left out of this omnibus appropriations bill, had I been in attendance, I would have cast an "aye" vote on rollcall No. 676 in support of the many important programs this bill funds.

I would have voted "no" on rollcall No. 677, the motion to table the Democratic Leader's Privileged Resolution.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to official business outside the Washington, DC, area, I was unable to be present during rollcall votes 673-677. Had I been here I would have voted "yea" for rollcall votes 673-677.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM THE PRESIDENT THAT THE HOUSE HAS COMPLETED ITS BUSINESS OF THE SESSION

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 476) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 476

Resolved, That a committee of two Members of the House be appointed to wait upon the President of the United States and inform him that the House of Representatives has completed its business of the session and is ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 476, the Chair

appoints the following Members of the House to the Committee to Notify the President:

The gentleman from Texas (Mr. DELAY);
the gentlewoman from California (Ms. PELOSI).

AUTHORIZING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE FOR THE REMAINDER OF THE 108TH CONGRESS

Mr. DELAY. Mr. Speaker, I ask unanimous consent that for the remainder of the 108th Congress, the Speaker, the Majority Leader, and the Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND AND REVISE REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. DELAY. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the first session of the 108th Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the first session sine die.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3507

Ms. PELOSI. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3507.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 462

Mr. TERRY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Res. 462.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

CONTROLLING THE ASSAULT OF NON-SOLICITED PORNOGRAPHY AND MARKET ACT OF 2003

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 877) to regulate interstate commerce by im-

posing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendment, as follows:

Senate amendment to House amendment:
In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003", or the "CAN-SPAM Act of 2003".

SEC. 2. CONGRESSIONAL FINDINGS AND POLICY.

(a) FINDINGS.—The Congress finds the following:

(1) Electronic mail has become an extremely important and popular means of communication, relied on by millions of Americans on a daily basis for personal and commercial purposes. Its low cost and global reach make it extremely convenient and efficient, and offer unique opportunities for the development and growth of frictionless commerce.

(2) The convenience and efficiency of electronic mail are threatened by the extremely rapid growth in the volume of unsolicited commercial electronic mail. Unsolicited commercial electronic mail is currently estimated to account for over half of all electronic mail traffic, up from an estimated 7 percent in 2001, and the volume continues to rise. Most of these messages are fraudulent or deceptive in one or more respects.

(3) The receipt of unsolicited commercial electronic mail may result in costs to recipients who cannot refuse to accept such mail and who incur costs for the storage of such mail, or for the time spent accessing, reviewing, and discarding such mail, or for both.

(4) The receipt of a large number of unwanted messages also decreases the convenience of electronic mail and creates a risk that wanted electronic mail messages, both commercial and non-commercial, will be lost, overlooked, or discarded amidst the larger volume of unwanted messages, thus reducing the reliability and usefulness of electronic mail to the recipient.

(5) Some commercial electronic mail contains material that many recipients may consider vulgar or pornographic in nature.

(6) The growth in unsolicited commercial electronic mail imposes significant monetary costs on providers of Internet access services, businesses, and educational and nonprofit institutions that carry and receive such mail, as there is a finite volume of mail that such providers, businesses, and institutions can handle without further investment in infrastructure.

(7) Many senders of unsolicited commercial electronic mail purposefully disguise the source of such mail.

(8) Many senders of unsolicited commercial electronic mail purposefully include misleading information in the messages' subject lines in order to induce the recipients to view the messages.

(9) While some senders of commercial electronic mail messages provide simple and reliable ways for recipients to reject (or "opt-out" of) receipt of commercial electronic mail from such senders in the future, other senders provide no such "opt-out" mechanism, or refuse to honor the requests of recipients not to receive electronic mail from such senders in the future, or both.